

## REMARKS

Reconsideration and allowance of the application based on the following arguments, and for other reasons, is respectfully requested.

The above-identified divisional patent application had claims 7-21 pending. Claims 9 and 10 were allowed; claims 7, 8 and 19-21 were rejected.; and claims 11-18, 20 and 21 were objected to. Claims 1-6 and 22-26 stood canceled.

The items of the DETAILED ACTION are taken up in turn.

### Specification

The disclosure was objected to because "of the following informalities: on page 10, lines 20-21 resistance heaters 72 and 74 are cited, but on page 11, lines 17 flat wiring or bars 72 and 74 are cited, line 27 infrared heaters 72 and 74 are cited". Applicants have amended the Specification above to correct the oversights. All inconveniences occasioned by the errors are regretted. The numerals 72 and 74 apply to the resistance heaters as set forth on page 10, lines 3-21. Applicant has rewritten the fifth paragraph on page 11 and the paragraph on pages 11 and 12 to provide appropriate correction. The error is regretted.

### Claim Objections

Claims 8, 10-18 and 20-21 were objected to because "of the following informalities: they cite articles 'a' or 'an' in line 1 instead of 'the'". Appropriate correction has been made.

### Claim Rejections - 35 USC 102

Claim 9 was rejected under 35 USC 102(b) as being anticipated by Hochstein (5, 649,972), the Examiner alleging that "Hochstein discloses an apparatus 10 comprising a finned infrared source 42 comprising a base 44 to be inherently heated to uncomfortable to touch high temperature (Fig. 2-4, col. 5, lines 22-45) and fins-protrusions 70 fabricated from a material having low thermal conductivity and therefore inherently

comfortable to touch even though the base 44 is at uncomfortable temperature".

Applicants urge that the so-called "fins-protrusions 70" are not fabricated from a material having low thermal conductivity and therefore inherently comfortable to touch even though the base 44 is at uncomfortable temperature.

First, it should be observed that the function of the fins-protrusions 70 is "for stagnating flow of a fluid medium such as air, adjacent the radiation generating element 42". (Col. 8, lines 20-22). Then it should be observed that nowhere does the patent say that the intent is to provide free ends 72 that are "therefore inherently comfortable to touch"! It is true that the patent states that "The conduits 70 defining the pockets 73 are conventionally fabricated from a material having low thermal conductivity such a stainless steel, a ceramic material, glass or the like." (col. 8, line 66 - col. 9, line 2); but then it states that the inner surfaces 75 "can comprise a coating or plating with such materials as aluminum, nickel, gold" (col. 9 lines 8 - 10), some of the best thermal conductors known. Thus it appears that Hochstein did not teach "closely-spaced protrusions ... which project away from the base and present temperatures comfortable to touch even though the base is at uncomfortable temperature". Moreover, Hochstein appears to have tried to solve the problem in two other ways: 1) he employed a fan 57 to force flow of air through a duct portion of the fan housing 58 to cool external tissues during irradiation (col. 10, lines 24-28); and 2) a gasket 76 is located for sealing and separating the conduits 70 from the radiation generating element 42 (col. 10., lines 1-3).

Hochstein just does not anticipate applicants' invention.

Claim 19 was rejected under 35 USC 102(b) as being anticipated by Park, the Examiner alleging that "Park discloses an infrared sauna 10 for causing a user to sweat by direct infrared absorption on several sides by the infrared generating means 70 (/Fig. 1-5) and meets the limitations of the claim". As applicants noted in the previous Amendment, "Park may heat a person by direct infrared radiation absorption on several sides, but he does not teach primarily heating the person so. In fact it would appear that Park primarily heats the person by his heat emitting sheet 45, for he states in col. 2, lines 12-15: 'Also the heating means serves to heat the cavity. The heating means comprises a heat emitting sheet embedded within each of the base plate, the first cover, and the

second cover.' There is no claim that he heats the person primarily by infrared radiation, or hint that he even appreciated the concept."

Nevertheless, to expedite the prosecution of this application, applicants have amended the claim to further require that "primarily heating the person by direct infrared radiation absorption on several sides" be done in an environment of only low-level extremely-low-frequency electromagnetic fields. Park does not do this either. Thus, the claim is further not anticipated by Park.

### Claim Rejections - 35 USC 103

Claims 7-8 were rejected under 35 USC 103(a) as being unpatentable over Hjortsberg (4,908,497) in view of Langensiepen (1,720,334).

Claim 7 has been canceled. Claims 8, 11, and 21, dependent on claim 7, have been rewritten as independent claims. A check for \$200 to cover the two additional-over-original independent claims, is attached.

Reconsideration of the rejection of claim 8 is requested. As the Examiner notes, Hortsberg does not teach an infrared heater. But neither does Langensiepen! Langensiepen merely discloses ordinary electric heaters in which the heating elements extend longitudinally through a series of heat radiating fins. His heating elements are comprised of ordinary electrically resistive bars "a". He is not relying on infrared heating. Thus, neither Hortsberg nor Langensiepen teach a heater for emanating infrared heat, and the claim has been amended to make very clear that "two sets of parallel electrically-resistive bars" emanate the "infrared heat".

Of course, the claim further distinguishes over the references by requiring that "the two sets of parallel electrically-resistive bars are mounted on opposite sides of the same thin electrically-insulating substrate".

Thus applicant urges that claim 8 is patentable over Hjortsberg in view of Langensiepen, and should be allowed.

Claim 10 was rejected under 35 USC 203(a) as being unpatentable over Hochstein, the Examiner alleging, inter alia, that Hochstein discloses substantially the claimed invention.

Claim 10 is dependent on claim 9. As noted above with respect to claim 9, it appears that Hochstein did not teach ""closely-spaced protrusions ... which project away from the base and present temperatures comfortable to touch even though the base is at uncomfortable temperatures". Thus applicants submit that Hochstein does not disclose substantially the claimed invention.

Applicants further urge that it would not have been obvious to modify Hochstein's invention to have fins separated by less than a finger width in order to prevent the user from being hurt by heat when he gets in contact with the heater, for the gold coating would still have rendered his free ends too hot to touch!

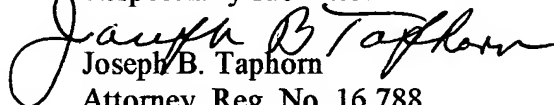
Claim 10 is patentable over Hochstein.

#### Allowable Subject Matter

Claims 11-18 and 20-21 were objected to as being dependent upon a rejected base claim, but indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 11, 20, and 21 have been rewritten as independent claims. Claims 12-18 are dependent, directly or indirectly, on claim 11. Thus claims 11-18 and 20-21, are deemed to be in allowable condition.

Wherefore applicants submit that this application is in condition for allowance, which favorable action at an early date is earnestly solicited

Respectfully submitted

  
Joseph B. Taphorn

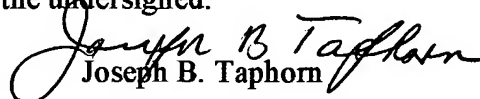
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#### Attachment

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